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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,818	12/16/2003	Petter Eklof	35947-201972	2880

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/735,818

Applicant(s)

EKLOF ET AL.

Examiner

Ismael Izaguirre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24, 25 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 27, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***CLAIMS***

***Summary***

Claims 1,21,24,29 and 30 are the independent claims under consideration in this Office Action.

Claims 2-20,22,23,25-28 and 31-35 are the dependent claims under consideration in this Office Action.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24,25 and 28-33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Arbter et al. (5,129,171).

Arbter et al. teach an embroidery frame for use on an embroidery sewing machine when performing high-speed embroidery on the material (column 8, lines 35-36). Arbter et al. teach an inner frame and an outer frame and an expandable hose 8 (figure 2d, for example). The hose is expanded by fluid pressure and includes at least two portions at 12 and 19 (see figures 4a and 4b), which are materially different such that the inflation rates would also differ and the hose would change shape differently

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during pressurization. The hose is inflatable for sandwiching the material between the hose and the outer frame while the material is being embroidered.

Claims 24,26,28-30,32 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Arbter (DE 37 33 886 C1).

Arbter teaches an embroidery frame for use on an embroidery sewing machine. Arbter teaches an inner frame and an outer frame and an expandable hose 12,13,14 (figures 3 or 6, for example). The hose is expanded by fluid pressure and includes a creased portion at 14 and at least two separate portions 12 and 13 which are independently inflatable by inflation means 51 and 54 (figure 6), which are different such that the inflation rates differ and the hose would change shape differently during pressurization. The hose is inflatable for sandwiching the material between the hose and the outer frame while the material is being embroidered.

Claims 24 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Berg et al. (508,211).

Berg et al. teach an embroidery frame for use on an embroidery sewing machine. Berg et al. teach an inner frame and an outer frame and an expandable hose 5,10 and 15 (figure 2, for example). The hose is expanded by fluid pressure and is inflatable for sandwiching the material between the hose and the outer frame while the material is being embroidered.

***ALLOWABLE SUBJECT MATTER***

Claims 1-23 are allowable over the prior art of record.

Claims 27, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howden illustrates an embroidery hoop including a cord fitting into a recess in at least one hoop. Hoskings et al., Illemann et al., Wadstein and Murphy illustrate devices including inflatable hoses for tensioning materials between frame members.

***INQUIRIES***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre  
Primary Examiner  
Art Unit 3765

II  
12/6/04